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12 APRYLN WESTON

13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 vs.
20 MAKIAH MILES and APRYLN
21 WESTON,
22 Defendants.

Case No. 1:22-cr-00129-NODJ-BAM

**STIPULATION TO VACATE STATUS
CONFERENCE AND SET FOR CHANGE-
OF-PLEA HEARING; ORDER**

Date: January 16, 2024
Time: 8:30 a.m.
Judge: Hon. Charles R. Breyer

17 IT IS HEREBY STIPULATED by and between the parties through their respective
18 counsel, Assistant United States Attorney Joseph Barton, counsel for plaintiff, James Raymond
19 Homola, counsel for Makiah Miles, and Assistant Federal Defender Erin Snider, counsel for
20 Apryl Weston, that the Court may vacate the status conference currently scheduled for December
21 13, 2023, at 1:00 p.m. and set a change-of-plea hearing for both defendants on January 16, 2024,
22 at 8:30 a.m.

23 The parties agree and request that the Court make the following findings:

24 1. By previous order, this matter was set for a status conference on December 13,
25 2023, at 1:00 p.m.

26 2. The parties have reached a tentative resolution to resolve the case against both
27 defendants.

28 3. The parties therefore request that the Court vacate the December 13, 2023 status

1 conference and set a change-of-plea hearing for both defendants on January 16, 2024, at 8:30
2 a.m.

3 4. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
4 *et seq.*, within which trial must commence, the parties agree that the time period of December 13,
5 2023, to January 16, 2024, inclusive, is excludable pursuant to 18 U.S.C. § 3161(h)(1)(G) and
6 (h)(7)(B)(iv). Specifically, the parties agree that the ends of justice served by continuing the case
7 as requested outweigh the interest of the public and the defendant in a trial within the original
8 date prescribed by the Speedy Trial Act because the continuance ensures continuity of counsel
9 and the delay results from defense counsels' continued review of discovery and case assessment,
10 defense counsels' need to review the plea agreements with their clients, and the court's
11 consideration of the plea agreement.

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13 **IT IS SO STIPULATED.**

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Respectfully submitted,

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PHILLIP A. TALBERT
United States Attorney

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Date: December 6, 2023

/s/ Joseph Barton
JOSEPH BARTON
Assistant United States Attorney
Attorney for Plaintiff

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Date: December 6, 2023

/s/ James Raymond Homola
JAMES RAYMOND HOMOLA
Attorney for Defendant
MAKIAH MILES

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HEATHER E. WILLIAMS
Federal Defender

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Date: December 6, 2023

/s/ Erin Snider
ERIN SNIDER
Assistant Federal Defender
Attorney for Defendant
APRYL WESTON

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ORDER

IT IS SO ORDERED. The status currently scheduled for December 13, 2023, at 1:00 p.m. is vacated. A change-of-plea hearing for both defendants is hereby set for **January 16, 2024, at 11:00 a.m. before the Honorable Charles R. Breyer**. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, within which trial must commence, the time period of December 13, 2023, to January 26, 2024, inclusive, is excludable pursuant to 18 U.S.C. § 3161(h)(1)(G) and (h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: **December 6, 2023**

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE